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GREENBLUM & BERNSTEIN, P.L.C.			EXAMINER	
1950 ROLAND CLARKE PLACE			PIERCE, WILLIAM M	
RESTON, VA 20191				
			ART UNIT	PAPER NUMBER
			3711	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/814,226	FORD ET AL.	
	Examiner	Art Unit	
	William M. Pierce	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 February 2010.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12,15-24,26-29,31,32 and 34-40 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12,15-24,26-29,31,32 and 34-40 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 7 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as set forth in the previous office action;

"In claims 7 and 40, the "remaining sections of the approach section" is inferential and lacking a proper antecedent basis."

Applicant remarks that this phrase does not lack an antecedent because it is first recited in claim 7 and support is in claim 6. Such a view does not overcome the rejection. Claimed is "a prefabricated flooring system" in claim 1 and that it is intended to be "used as a section of an approach section". Nowhere is either "remaining sections" or an "approach section" being positively recited or claimed in combination. One would have to infer that an approach having a plurality of sections has been previously recited. Yet such is not claimed since the only reference to an approach and any remaining sections is done functionally in recitations as to how the prefabricated flooring system is to be used. This is in contract to structurally and positively reciting these limitations in combination as a part of the claimed invention. Quite clearly, the Examiner's position is that the claims do not positively recite that the prefabricated flooring system to include either an approach or a plurality of sections and that any references to such are inferred or functional at best. As such, this grounds for rejection remains.

Claims 24 and its dependent claims are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 24 has been amended to recite a “laminated floor” and applicant argues a special meaning of the term in his remarks. Such a term or description of the disclosed flooring system is not set forth in the specification and as such is considered new matter.

Claim Rejections - 35 USC § 102

Claims 1, 4, 6, 8-12, 15-19, 24, 28, 31, 32, 34, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Heddon 4,169,602 as set forth in the previous office action.

“As to claims 1 and 38, Heddon shows a prefabricated flooring system (abstract, ln. 1) comprising a plurality of wooden boards bonded together by an adhesive (col. 5, lns. 35-37) on its side edges as shown in fig. 15C at 100 and 102. While Heddon does not discuss the two outermost boards, such considered inherent and shown by his fig. 10 where only one side edge needs adhesive since there is no adjacent board. As to claim 4, 17, 18, 24, 30 and 39 the flooring system used in an approach is shown making up elements 20, 26 and 28. The thickness of the approach is considered the approximately the same as described at col. 6, lns. 29-33. The bowling alley of Heddon is considered laminated as called for by claims 25, 28 and 40 and as described in the abstract at line 3 of Heddon. Elements 20 and 26 are approximately equal to the width of a bowling alley as called for by claim 19. Element 28 is a filler section to extend past the gutters and ball return of the alley. Known is that a bowling lane is between 41 and 42 inches and as such the approach of Heddon consisting of 20, 26 and 28 is wider as shown in fig. 1. As to claim 6, Heddon shows the preformed section 20 and 26 used as a section of an approach. As to claims 8 and 31, finishing the lane is shown at col. 7, ln. 14. Curable polyurethanes are well known and considered inherent in Heddon. A fiberboard OSB underlayment as called for by claims 9-12 and 32 is shown at 50 which is bonded to the boards (col. 5, ln. 42). An integrated foul line as called for by claims 14

and 34 is shown at 18 that is bonded to a groove as shown in fig. 12 (col. 5, ln. 21) as called for by claim 15. The foul line is considered to be a block as shown in fig. 12 and called for by claim 16."

Applicant initially argues that the limitations of claim 38 have not been treated and that it is not shown where the short side edges have interleaved finger joints. In response, the rejection of claim 38 under 102 has been removed in favor of a rejection under 103 to similar claim 23.

Where applicant states that other matters have not been addressed such as the foul line of claim 14. Here the foul line was articulated as being met by element 18 and the term "contrasting material" is so broad the it can be met by any foul line that is discernable to a bowler. Applicant further remarks that the dimensions of claim 16 and 18 are not shown. This argument appears to be in error since no dimensions in the claims appear to be recited. This argument is possibly directed to broad claim 19 that calls for the dimensions of the preformed section to be equal to the width of the bowling alley. This is addressed in the grounds for rejection above.

Where applicant quotes MPEP and states that the next action cannot be made final, such is not a complete analysis. Omitted from the section of the MPEP is that, "it is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be confined to as few actions as is consistent with a thorough consideration of its merits. Neither the statutes nor the Rules of Practice confer any right on an applicant to an extended prosecution; *Ex parte Hoogendam*, 1939 C.D. 3, 499 O.G.3, 40 USPQ 89 (Comm'r Pat. 1939).

In the instant case, applicant is a patent professional that could readily easily judge from the previous office action how the prior art is being interpreted to meet the limitations of the claims and the advisability of an appeal. Clear issues are considered to have been defined regardless of applicant lack of understanding of portions of the previous office action. Herein, those portions have been further explained to applicant in response to his remarks. As such, his argument does not preempt a final rejection.

With respect to claim 1 applicant argues that Heddon does not show an integrated foul line with contrasting material bonded to a milled portion in the edge of the wooden board and disagrees with the examiner's interpretation that element 18 and the disclosure of bonding the foul line to a groove at (col. 5, ln. 21) meetings the limitations (formerly claim 14). Initially applicant states that fig. 12 does not show a groove. In contrast, Heddon explicitly shows grooves 40 and 42 (col. 5, ln. 23). These grooves are considered to be in an edge portion of the plurality of wood boards that make up panel 16. Subsequently applicant states that an integrated foul line of contrasting material bonded is not shown. Examiner does not agree since figure 12 shows the foul line as contrasting most broadly in that it is made as a separate element of material that is "contrasting" to the lane and that it is bonded with "some form of adhesive...to form an adhesive bond" (col. 5, ln. 21). Applicant argues an interpretation of Heddon using an his fig. 8 which is not convincing since Heddon describes the structure of his foul line using the same terms in the "groove" and "bonded". Further applicant's remarks that Heddon does not show an inlay are not persuasive since such is not an explicit limitation in the claims. Here the issue is not whether or not the examiner and applicant

offer different interpretations of the prior art in view of the claims. The issue is whether or not the examiner's position is reasonable. As advance above and in the grounds for rejection, applicant has not shown such and his remarks are not persuasive.

Applicant argues that claim 18 is not shown in that Heddon shows his module 20 as being the same size as modules 10, 12, 14 and 15. First, size is not a limitation in the claim and second no limitation on what one considers to be a gutter area is made in the claims. Here, where the limitation of claim 18 are not considered to distinguish over Heddon since his approach section is considered to fill "an area of the bowling lane in addition to the gutter area" as called for by the claims.

Applicant's remarks with respect to claim 24 are not persuasive in view of the new matter rejection set forth above. Further, the term laminated flooring evaluated for its plain meaning. 1. to cover something with a thin layer, 2. bond layers together 3. a material made up of bonded layers. Where Heddon is considered to show layers bonded together such as 50 and 52 and in fact uses identical term "laminated" (col. 5, ln. 37) to describe its construction, this new limitation added to the claim fails to clearly distinguish over the applied art.

As to claim 38, such has been addressed where the use of finger joints in woodworking is old in comparable claim 23 as set forth in the grounds for rejection below. With respect to this grounds for rejection, applicant does not argue the secondary reference applied. Instead he provides a pro forma argument requesting documentary evidence to support the well known use of finger joints in wood working. In addition to the documentary evidence provided by the previous office action,

applicant need only visit the nearest Home Depot and inquire about the differences between known more expensive stain grade trim made of one piece of wood and less expensive paint grade trim made of several small pieces of wood connected into one using finger joinery. Here one must consider and cannot merely feign ignorance over what is known to one of ordinary skill in that art of woodworking to overcome the grounds for rejection.

Claim Rejections - 35 USC § 103

Claims 2, 3, 26 and 27 are rejected under 35U.S.C. 103(a) as being unpatentable over Heddon 4,169,602 as set forth in the previous office action;

“Heddon does not mention the thickness of the boards. To have made the boards between ¾ and 2 3/4 inches would have been an obvious matter of choice depending upon the desired costs to manufacture, durability and weight. Such a thickness has not been shown to be critical to applicant's claimed invention by solving any particular problem or producing any unexpected results.”

With respect to the ground for rejection of claims 2, 3, 26 and 27 under 103 of Heddon, applicant argues that his claimed smaller thickness saves cost. However, the savings in materials by making a product thinner is expected. One skilled in that art would be aware of other known and expected advantages that would follow such as lighter during installation, and cheaper shipping. This is not considered a patentable advance in bowling lane as much as it is design consideration made by one skilled in the art. Quite clearly too thin would reduce durability. It is the optimization of these variables that are considered obvious to one of ordinary skill in the art.

Claims 5 and, 29 are rejected under 35U.S.C. 103(a) as being unpatentable over Heddon 4,169,60 in view of De Vore 2,9069,983 as set forth in the previous office action;

“While Heddon does not discuss the type of adhesive used to bond the boards, DeVore teaches in bowling alleys that any suitable adhesive may be used (col. 4, ln. 55). As such to have selected a suitable adhesive such as those called for in claims 5 and 29 would have been an obvious matter of selecting a known adhesive suitable for its intended use. See *In re Leshin*, 227 F.2d 197, 1205 USPQ 416 (CCPA 1960) (selection of a known plastic to make a container of a type made of plastics prior to the invention was held to be obvious). Applicant has not shown where the adhesives claimed solve any particular problem or produce any unexpected results.”

Applicant does not appear to argue this grounds for rejection.

Claims 7 and 40 are rejected under 35U.S.C. 1030(a) as being unpatentable over Heddon 4,169,60 in view of Perrier 5,888,142 as set forth in the previous office action.

“Heddon describes his approach as a “smooth wooden surface” (col. 4, ln. 46) and fails to mention the use of synthetic boards. Perrier teaches that the bowling lanes may be made of wood or synthetic material (col. 3, ln. 44). To have used synthetic boards on the approach section of Heddon would have been obvious in order to take advantage of the known properties of synthetic materials. Such a selection has been held obvious in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).”

Applicant does not appear to argue this ground for rejection.

Claims 20, 21, 35 and 36 are rejected under 35U.S.C. 103(a) as being unpatentable over Heddon 4,169,60 in view of Lessard 6,645,082 as set forth in the previous office action;

“Heddon's invention does not use nails or screws. However, the use of screws and plugs to secure bowling lane sections such as in Heddon is old as taught by

Lessard. To have used the combination of drilled holes, screws and plugs in Heddon as taught by Lessard would have been obvious in order to replace one known method of mounting bowling lane panels for that of another."

Applicant submits that one skilled in the art would not have applied Lessard's teachings to Heddon. Examiner does not agree since it is well known that one must consider the problem facing the inventor and what is known in the art as a whole. Here the problem facing the inventor was how one secures panels in general. Surely he would look to how others have secured panels. As such the combination of Lessard is considered fair and reasonable.

Claims 22 and 37 are rejected under 35U.S.C. 103(a) as being unpatentable over Heddon 4,169,60 in view of Scottman 4,146,223 as set forth in the previous office action;

"Heddon does not discuss range finders. Such are old and well known as taught by Scottman who teaches adding wooden bolts or dowels 41 which are used for positioning and targeting of the ball. To have included wooden dowel range finders in Heddon would have been obvious in order to help a player's aim and delivery."

Here again applicant resorts to a pro forma argument that the examiner must provide documentary evidence rather than show where the examiner's conclusion is unreasonable. Applicant completely ignores the applied teachings of Scottman as documentary evidence supporting the examiner's conclusion that applicant is not the inventor or using dowels for range finders. As such applicant's remarks are not persuasive.

Claims 23 and 38 are rejected under 35U.S.C. 103(a) as being unpatentable over Heddon 4,169,60 in view of Sawdust Making 101 as set forth in the previous office action;

"Heddon does not discuss any wood joinery in his patent. However, the use of finger joints in the art of wood working is well known in order to attach two pieces of wood together. To have used finger joints on the abutting boards of Heddon would have been obvious in order to join two shorter boards together."

Applicant does not argue this grounds for rejection of comment on the teachings of Sawdust Making 101.

Claims 1-12, 15-24, 26-29, 31, 32 and 34-40 are rejected under 35U.S.C. 103(a) as being unpatentable over De Vore as set forth in the previous office action and further in view of Heddon 4,169,602 as set forth in the previous office action and further in view of Heddon 5,348,513 as set forth in the previous office action.

"As to claims 1, 8, 19, 24, 25, 30, 37 and 38, DeVore shows wooden boards 47 held together by adhesive "between the contacting surfaces" (col. 5, ln. 59). As to claim 9, an underlayment 41 is shown. DeVore teaches assembling the boards onsite and using a bar clamps 57 and 58 until the adhesive has cured (col. 5, ln. 34). He does not mention the building of any of the components in a factory. Heddon teaches in bowling lanes constructed of hardwood strips such as that of DeVore that they may be prefabricated or "fabricated in modules at a manufacturing facility" (abstract, ln. 1) to reduce time and cost (col 1, ln. 15)

While DeVore fails to mention making portions or the entire assembly of his invention offsite and bringing these components to a point of installation, doing such is considered old and well known in order to control quality, improve efficiency and save installation time. Heddon teaches prefabricating bowling lanes. To have prefabricated the assembly of DeVore by gluing the board to the base offsite in component sections would have been obvious in order to reduce the amount of time it would take to install onsite."

Devore does not detail his foul line 12. Heddon '513 teaches the use of embedded foul lines at the edge of lane panels. To have used a separated bonded

piece as foul line 12 in DeVore would have been obvious method of making foul lines known in the art.

In response applicant argues DeVore separately as not showing an integrated foul line. Since his argument does not pertain to the combination set forth in the rejectionn above it is not persuasive.

Applicant subsequently argues with respect to claim 18 that it wound not have been obvious to combine DeVore with Heddon. As set forth in the rejection above, the examiner does not agree. One looking to accomplish the prefabrication benefits of a bowling lane taught by Heddon '602 and the his embedded foul line of '513 would have surely considered applying them to know methods of constructing bowling lanes like that taught by DeVore. Such a combination would have fairly suggested to one of ordinary skill in the art that constructing a bowling lane offsite would could benefit its installation.

As to claim 24, it was remarked in the previous office action that;

"As to claims 6, 24, 31, 39 and 40, DeVore discloses a "bowling alley" and approach area 10. DeVore does not specifically intend his invention to only be applied to the part of the bowling lane upon which the ball is intended to be rolled towards the pins. In fact his disclosure is broad pertaining to, "construction... in securing of the bowling alley surface boards" (col. 1, ln. 17), which includes the approach area as shown by 10 in his fig. 1. We can further see from U.S. Patent 7,022,024 that the term "bowling lane" applies to all sections of the lane including the "approach area, a pin deck area and a lane area" (col. 1, ln. 53). Likewise, see 6,988,953, col. 1, lns. 11-19 and 6,645,082, col. 1, ln. 10. DeVore discloses the use of adhesive "between the boards" as it penetrates during the building process. Col 5, Ln. 57+ goes into more detail that "the adhesive...is to a certain extent forced between the contacting surfaces of said boards.., not only securing the contacting lower surfaces of

the alley boards but likewise and simultaneously securing the said boards to one another".

Applicant argues that DeVore does not show an approach having a same thickness as a bowling lane which is a laminated floor. First, as set forth in the rejection above, the newly added limitation of a laminated floor is considered new matter. Moreover, as set forth above in the grounds for rejection under 102 in view of Heddon, he is considered to show a "laminated floor" by the broadest reasonable interpretation of the term as merely having two elements bonded together.

As to claim 38, in the previous office action it was remarked with respect to the rejection of compatible claim 23 that DeVore does shows what can be considered to be finger joints. Furher, as set forth in the grounds for rejection above that the use of such joints are old and well known and provides adequate evidence to support such a conclusion.

The size of the boards in claims 2, 3, 26 and 27 is considered an obvious matter of choice and has not being shown to be critical. See *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). DeVore shows an approach section 10 as called for by claim 4. The size of the approach as called for in clam 4, 17, 18 and 28 is considered an obvious matter of choice (*Gardner v. TEC Systems*. DeVore teaches the use of any suitable adhesive (col. 4, ln. 55) to meet the limitations of claims 5 and 29. As to claims 7 and 40, the use of synthetic materials in place of wood is well known. As to claims 10, 11 and 32, the use of fiberboard, such as OSB Oriented Strand Board in place of plywood is old and

well known. The underfloor 41 is adhesively secured to the boards 47 as called for by claim 12 (col. 6, In. 3)." Note the previous office action that states;

"As to claims 20, 21, 35 and 36, counter sunk screws and plugs are well known mechanical fasteners. To have replaced the adhesive of DeVore with that of a mechanical fastener would have been obvious to have replace one known mechanical fastening expedient for that of another. The use of dowels for range finders as called for in claim 22 and 37 is old and well known. As to claim 23, the use of mortise and finger joints to connect two wood elements together is considered to be old and well known. DeVore shows the use of such dovetails 17 and 18 (col. 2, Ins. 51-59) that are considered "interleaved finger joints" along a short side of adjacent floor sections. The interpretation of the dovetails of DeVore meeting the limitations of "finger joints" is supported by "Wikipedia, the free encyclopedia" http://en.wikipedia.org/wiki/Finger_joint (*attached here*) where a finger joint is described as "much like a dovetail". To have use a finger joint in DeVore would have been obvious in order to obtain a stronger joint." DeVore clearly contemplates the use of fasteners as his "sub-baseboard 33 is secured along its edges to each of the transverse beams 25 by means of screws" (col. 4, In. 24). Pre-drilling for screw fasteners is old, well known and not considered a patentable advance. With respect to the "materials not invented" at the time of DeVore, it is known to be obvious to use a material to take advantage of its known properties. To apply newly available materials for their intended purpose to old products is not inventive and has been held obvious. "

Since applicant has not shown the examiner's position to be in error or unreasonable and applicant has failed to show where his claimed invention is not fairly taught by the prior art as a whole, his remarks are not persuasive.

Conclusion

Applicant's arguments filed 2/2/2010 have been fully considered but they are not persuasive forth reasons set forth above in the grounds for rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The examiner can normally be reached on Monday and Friday 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, communication via email at the above address may be found more effective. Where current PTO internet usage policy does not permit an examiner to initiate communication via email, such are at the discretion of the applicant. However, without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the

appropriate patent application. The following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me by responding to this inquiry by electronic mail. I understand that a copy of these communications will be made of record in the application file."

For further assistance examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William M Pierce/
Primary Examiner, Art Unit 3711